

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LEONARD N. BARSODY,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 3:21-cv-91
)	Judge Stephanie L. Haines
CLEARFIELD AREA SCHOOL DISTRICT,)	
)	
Defendant.)	

MEMORANDUM AND ORDER OF COURT

On May 14, 2021, Plaintiff Leonard Barsody filed a complaint against Defendant Clearfield Area School District asserting claims for unlawful termination, hostile work environment, retaliation and constructive discharge in violation of the Americans with Disabilities Act (“ADA”). On September 12, 2022, this Court entered an opinion and order granting Defendant’s motion to dismiss for failure to state a claim [Docs. 18 and 19]. Plaintiff’s claims of retaliation and constructive discharge were dismissed with prejudice for failure to exhaust administrative remedies. Plaintiff’s disability discrimination claim and his hostile work environment claim solely as it related to his meetings with the Assistant Principal and other employees and representatives of Defendant, both exhausted, were dismissed without prejudice.

On September 27, 2022, the Court issued an amended order inviting Plaintiff to file an amended complaint setting forth additional facts, if any, that could support the two claims that were dismissed without prejudice in order to correct the deficiencies identified in the Court’s opinion [Doc. 21]. The Court set a deadline of October 27, 2022, to file the amended complaint. Plaintiff did not file an amended complaint within the allotted time, which now has expired. On November 5, 2022, Plaintiff filed a notice stating his intention to stand on the allegations set forth in the original complaint [Doc. 25].

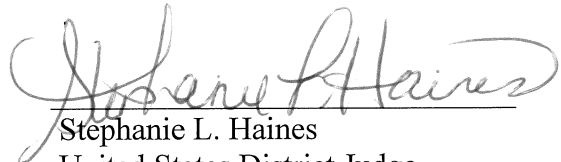
As discussed in the Court's opinion [Doc. 18 pp. 14-20], Plaintiff's original complaint fails to state either a plausible claim of disability discrimination, or a plausible hostile work environment claim stemming from his meetings with employees and representatives of the Defendant school district, because he failed to provide allegations sufficient to support a finding that he is disabled under the ADA. As Plaintiff has declined the opportunity to amend his original complaint to state additional facts on that essential element that could support such plausible claims, those claims now will be dismissed with prejudice.

An appropriate order follows.

ORDER OF COURT

AND NOW, this 7th day of November, 2022, for the reasons set forth herein and in the Court's opinion entered September 12, 2022 [Doc. 18], IT IS ORDERED that Plaintiff's claims of disability discrimination and hostile work environment under the ADA as asserted in the original complaint hereby are **dismissed with prejudice**; and,

IT FURTHER IS ORDERED, pursuant to Federal Rule of Civil Procedure 12(b)(6), that Plaintiff's original complaint [Doc. 1] hereby is **dismissed** in its entirety for failure to state any claim upon which relief may be granted. The Clerk of Court shall mark this matter closed.


Stephanie L. Haines
United States District Judge

cc/ecf: All counsel of record